

Executive Summary – Enforcement Matter – Case No. 49352
Pasadena Refining System, Inc
RN100716661
Docket No. 2014-1376-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Pasadena Refining System, 111 Red Bluff Road, Pasadena, Harris County

Type of Operation:

Petroleum refinery plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2014-0228-MLM-E
and 2015-0096-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 2, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,688

Amount Deferred for Expedited Settlement: \$3,937

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,751

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 30, 2014

Date(s) of NOE(s): September 12, 2014 and October 9, 2014

Executive Summary – Enforcement Matter – Case No. 49352
Pasadena Refining System, Inc
RN100716661
Docket No. 2014-1376-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,555.20 pounds (“lbs”) of particulate matter (“PM”) from the Carbon Monoxide Boiler, Emissions Point Number (“EPN”) HTBLR010, during an emissions event (Incident No. 198625) that began on May 20, 2014 and lasted 20 minutes. The emissions event occurred due to a boiler trip which caused instability within the Fluid Catalytic Cracking Unit (“FCCU”) Regenerator. The cause of the boiler trip was incorrect transmitter settings. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review (“NSR”) Permit No. 20246, Special Conditions (“SC”) No. 1, TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (“FOP”) No. O1544, Special Terms and Conditions (“STC”) No. 17].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 18,560.00 lbs of PM from the FCCU Seal Pot, EPN VTFCC003 during an emissions event (Incident No. 199950) that began on June 18, 2014 and lasted 4 hours. The emissions event occurred due to buildup on the intake screen from the operating charge pump that caused low mid-riser temperature, which tripped the unit. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR No. 56389, SC No. 1, Tex. Health & Safety Code § 382.085(b), and FOP No. O1544, STC No. 17].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. On May 26, 2014, changed the normal operating range for the catalyst level to buffer pressure swings to prevent a recurrence of emissions events due to the same causes as Incident No. 198625; and
- b. On July 9, 2014, removed the suction screen on each pump to prevent a recurrence of emissions events due to the same cause as Incident No. 199950.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 49352
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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Nguyen, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-6160; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Fernando Feitosa de Oliveira, Chief Executive Officer, Pasadena
Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| DATES | Assigned | 15-Sep-2014 | Screening | 17-Sep-2014 | EPA Due | 9-Jun-2015 |
| | PCW | 14-Oct-2014 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|-----------------------------|-------------------------------|--|---------------------------|-------|--|
| Respondent | Pasadena Refining System, Inc | | | | |
| Reg. Ent. Ref. No. | RN100716661 | | | | |
| Facility/Site Region | 12-Houston | | Major/Minor Source | Major | |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 49352 | No. of Violations | 2 |
| Docket No. | 2014-1376-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Jennifer Nguyen |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$11,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** \$11,250

Notes: Enhancement for five NOV's with same or similar violations, four NOV's with dissimilar violations, one order with denial of liability, and three orders without denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** -\$2,812

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$3
Estimated Cost of Compliance \$1,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$19,688

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$19,688

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$19,688

DEFERRAL **20.0%** Reduction **Adjustment** -\$3,937

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$15,751

Screening Date 17-Sep-2014

Docket No. 2014-1376-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 4 (April 2014)

Case ID No. 49352

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 5 | 25% |
| | Other written NOVs | 4 | 8% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 3 | 75% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 2 | -2% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 1 | -2% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 124%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with same or similar violations, four NOVs with dissimilar violations, one order with denial of liability, and three orders without denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 124%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Sep-2014

Docket No. 2014-1376-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 4 (April 2014)

Case ID No. 49352

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 20246, Special Conditions ("SC") No. 1, Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. 01544, Special Terms and Conditions ("STC") No. 17

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,555.20 pounds ("lbs") of particulate matter ("PM") from the Carbon Monoxide Boiler, Emissions Point Number ("EPN") HTBLR010, during an emissions event (Incident No. 198625) that began on May 20, 2014 and lasted 20 minutes. The emissions event occurred due to a boiler trip which caused instability within the Fluid Catalytic Cracking Unit ("FCCU") Regenerator. The cause of the boiler trip was incorrect transmitter settings. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| | Harm | | |
|-----------|-------|----------|-------|
| Release | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 15.0%

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor |
|--|---------------|-------|----------|-------|
| | | | | |

Percent 0.0%

Matrix Notes

Human health and the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | X |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | X | |
| N/A | | (mark with x) |

Notes

The Respondent completed corrective measures on May 26, 2014, before the September 12, 2014 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 49352
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,000 | 20-May-2014 | 26-May-2014 | 0.02 | \$1 | n/a | \$1 |

Notes for DELAYED costs

Estimated cost to change the normal operating range for the catalyst level to buffer pressure swings to prevent a recurrence of emissions events due to the same causes as Incident No. 198625. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$1

Screening Date 17-Sep-2014

Docket No. 2014-1376-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 4 (April 2014)

Case ID No. 49352

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 56389, SC No. 1, Tex. Health & Safety Code § 382.085(b), and FOP No. O1544, STC No. 17

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 18,560.00 lbs of PM from the FCCU Seal Pot, EPN VTFC003, during an emissions event (Incident No. 199950) that began on June 18, 2014 and lasted 4 hours. The emissions event occurred due to buildup on the intake screen from the operating charge pump that caused low mid-riser temperature, which tripped the unit. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Major | Harm Moderate | Minor |
|-----------|-------|------------------|-------|
| Actual | | x | |
| Potential | | | |

Percent 30.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix
Notes

Human health and the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

| | |
|---------------|---------------|
| Extraordinary | |
| Ordinary | x |
| N/A | (mark with x) |

Notes

The Respondent completed corrective actions on July 9, 2014, before the October 9, 2014 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 49352
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,000 | 18-Jun-2014 | 9-Jul-2014 | 0.06 | \$3 | n/a | \$3 |

Notes for DELAYED costs

Estimated cost to remove suction screen on each pump to prevent a recurrence of emissions events due to the same causes as Incident No. 199950. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$3

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN603137605, RN100716661, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN603137605, Pasadena Refining System, **Classification:** SATISFACTORY **Rating:** 20.05
Inc

Regulated Entity: RN100716661, PASADENA REFINING **Classification:** SATISFACTORY **Rating:** 20.05
SYSTEM

Complexity Points: 29 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 111 RED BLUFF RD PASADENA, TX 77506-1530, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0175D

AIR OPERATING PERMITS PERMIT 3711

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD008091290

WASTEWATER PERMIT WQ0000574000

AIR NEW SOURCE PERMITS PERMIT 3776

AIR NEW SOURCE PERMITS PERMIT 5953

AIR NEW SOURCE PERMITS REGISTRATION 12244

AIR NEW SOURCE PERMITS REGISTRATION 14133

AIR NEW SOURCE PERMITS PERMIT 22039

AIR NEW SOURCE PERMITS REGISTRATION 29623

AIR NEW SOURCE PERMITS REGISTRATION 76022

AIR NEW SOURCE PERMITS AFS NUM 4820100006

AIR NEW SOURCE PERMITS REGISTRATION 29628

AIR NEW SOURCE PERMITS REGISTRATION 37366

AIR NEW SOURCE PERMITS REGISTRATION 42719

AIR NEW SOURCE PERMITS PERMIT 80804

AIR NEW SOURCE PERMITS REGISTRATION 44511

AIR NEW SOURCE PERMITS REGISTRATION 87987

AIR NEW SOURCE PERMITS REGISTRATION 87919

AIR NEW SOURCE PERMITS REGISTRATION 84630

AIR NEW SOURCE PERMITS REGISTRATION 91511

AIR NEW SOURCE PERMITS REGISTRATION 95578

AIR NEW SOURCE PERMITS REGISTRATION 101932

AIR NEW SOURCE PERMITS REGISTRATION 113020

AIR NEW SOURCE PERMITS REGISTRATION 118791

AIR QUALITY NON PERMITTED ACCOUNT NUMBER
HG0175D

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0175D

AIR OPERATING PERMITS PERMIT 1544

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50112

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30311

WASTEWATER EPA ID TX0004626

AIR NEW SOURCE PERMITS PERMIT 5639

AIR NEW SOURCE PERMITS PERMIT 6059

AIR NEW SOURCE PERMITS REGISTRATION 13494

AIR NEW SOURCE PERMITS PERMIT 20246

AIR NEW SOURCE PERMITS PERMIT 26891

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0175D

AIR NEW SOURCE PERMITS PERMIT 76192

AIR NEW SOURCE PERMITS REGISTRATION 15114

AIR NEW SOURCE PERMITS REGISTRATION 37094

AIR NEW SOURCE PERMITS REGISTRATION 42375

AIR NEW SOURCE PERMITS REGISTRATION 71605

AIR NEW SOURCE PERMITS REGISTRATION 81553

AIR NEW SOURCE PERMITS REGISTRATION 82764

AIR NEW SOURCE PERMITS PERMIT 56389

AIR NEW SOURCE PERMITS REGISTRATION 89587

AIR NEW SOURCE PERMITS REGISTRATION 92237

AIR NEW SOURCE PERMITS REGISTRATION 93259

AIR NEW SOURCE PERMITS REGISTRATION 101327

AIR NEW SOURCE PERMITS REGISTRATION 112571

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX816

AIR NEW SOURCE PERMITS REGISTRATION 109065

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30311

POLLUTION PREVENTION PLANNING ID NUMBER
P00159

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: October 13, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 13, 2009 to October 13, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jennifer Nguyen

Phone: (512) 239-6160

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 10/18/2009 ADMINORDER 2008-0050-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:76192, Special Condition No.1 PERMIT
Description: Failed to prevent unauthorized emissions. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
- 2 Effective Date: 06/20/2011 ADMINORDER 2009-1807-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 115, SubChapter H 115.725(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:O-01544, SC 1.A OP
Description: Failure to continuously monitor two affected pressure safety valves (PSVs) 14PSV-1321 and 14PSV-1320 that vent directly to the atmosphere.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. PRS failed to maintain a flame on the West Flare at all times,

VIOLATION TRACK NO. 380805 WAS COMBINED WITH 380807.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Failure to maintain a flame on the West Flare (FLRNWEST) at all times.

violation track no. 381128 and 381131 were combined.
Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent unauthorized emissions. Failure to operate the West Flare (FLRFNWEST) with a flame present at all times.

violation track no. 381128 and 381131 were combined.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct an extraordinary repair attempt within 30 days or isolate a leaking valve.

This was split up into 2 violations (violations 4 and 5) in the pcw and agreed order at the recommendation of upper

management.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:82764, Condition No. (4)(B)(iii) PERMIT

Description: Failed to comply with the 0.036 pound per million British thermal units ("lb/mmBtu") nitrogen oxides ("NOx") emission limit for EPN TMPBLR001. This violation was moved over to agreed order docket no. 2009-1807-AIR-E and this case was admin resolved.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 OP

Description: Failure to prevent unauthorized emissions. Loss of Affirmative Defense Due to Late Reporting

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification of a reportable emissions event in a timely manner.

3 Effective Date: 02/10/2013 ADMINORDER 2010-2073-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 12 PERMIT

Special Condition 4 PERMIT

Special Term & Condition 17 OP

Special Term & Condition 1A OP

Description: Failure to comply with the 1 hour limit of 162 ppm H2S in fuel gas for a total of 107 hourly incidents. (Category A.12.i.6 Violation)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 12 PERMIT

Special Term & Condition 17 OP

Special Term & Condition 1A OP

Description: Failure of the SRU Incinerator (UNIT ID SRUIN001), to comply with the SO2 250 parts per million (ppm) limit for 977 hourly incidents. (Category B18 Violation)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 5 PERMIT

Special Term & Condition 17 OP

Description: Failure to operate the SRU Incinerator (UNIT ID SRUIN001), with the required minimum temperature of 2300 degrees Fahrenheit (F). (Category B18 Violation)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 6 PERMIT

Special Term & Condition 17 OP

Description: Failure to maintain the scrubbing solution pH level in the Sorbent Regeneration System Caustic Scrubber. The pH level dipped below the required pH level of 7.5 during recirculation. (Category B18 Violation)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 6 PERMIT

Special Term & Condition 17 OP

Description: Failure to maintain CO emissions, for Unit ID BLRHT006, to the required 50 ppm limit. (Category A.12.i.6 Violation)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 4 PERMIT

Special Term & Condition 17 OP

Description: Failure to maintain the O2 level at or above the required 3% in the SRU Incinerator stack (UNIT ID SRUIN001). (Category B18 Violation)

Violation Track No 410217 was combined with 410218

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 6E PERMIT

Special Term & Condition 1A OP

Description: Failure to limit analyzer downtime of the HRVOC analyzers monitoring the East and West Flare (Unit IDs RFNFLEAST and RFNFLWEST) to less than 5 percent. (Category B18 Violation)

Violation Track No 410226 was combined with 410227, violation track no. 410227 was deleted from the CCEDS window.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Term & Condition 17 OP

Description: Failure to comply with the VOC annual tons per year limit for five sources across the refinery. (Category A.12.i.6 Violation)

Violation Track No 410257 was combined with 410260, violation track no. 410257 was deleted from the CCEDS window.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Term & Condition 2F OP

Description: Failure to file an initial report of an emission event within 24 hours of discovering the event for EPN VTFCC001 on November 12, 2008. (Category A.12.i.8 Violation)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 14 PERMIT

Special Condition 4 PERMIT

Special Term & Condition 17 OP

Description: Failure to monitor and maintain tank loading rates for 39 tanks. (Category A.12.i.6 Violation)

4

Effective Date: 08/22/2014 ADMINORDER 2014-0763-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121
30 TAC Chapter 122, SubChapter B 122.133(2)
30 TAC Chapter 122, SubChapter C 122.241(b)
5C THSC Chapter 382 382.054
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a permit renewal application at least six months prior to the expiration of a FOP. Specifically, on May 27, 2014, the Respondent voluntarily disclosed that FOP No. O1544 expired on May 26, 2014 and the Plant continues to operate.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

| | | |
|---------|--------------------|-----------|
| Item 1 | October 19, 2009 | (804474) |
| Item 2 | October 23, 2009 | (760509) |
| Item 3 | November 19, 2009 | (804475) |
| Item 4 | December 11, 2009 | (804476) |
| Item 5 | January 18, 2010 | (804477) |
| Item 6 | January 22, 2010 | (787939) |
| Item 7 | January 28, 2010 | (788934) |
| Item 8 | February 15, 2010 | (804470) |
| Item 9 | March 10, 2010 | (830813) |
| Item 10 | April 13, 2010 | (793360) |
| Item 11 | May 17, 2010 | (830815) |
| Item 12 | June 09, 2010 | (846245) |
| Item 13 | June 14, 2010 | (825483) |
| Item 14 | June 17, 2010 | (824742) |
| Item 15 | July 12, 2010 | (801558) |
| Item 16 | July 14, 2010 | (860840) |
| Item 17 | July 23, 2010 | (842252) |
| Item 18 | August 02, 2010 | (843914) |
| Item 19 | August 17, 2010 | (866806) |
| Item 20 | September 13, 2010 | (873878) |
| Item 21 | October 12, 2010 | (849417) |
| Item 22 | October 14, 2010 | (881479) |
| Item 23 | November 04, 2010 | (888010) |
| Item 24 | December 06, 2010 | (896212) |
| Item 25 | February 09, 2011 | (909057) |
| Item 26 | March 14, 2011 | (916321) |
| Item 27 | March 29, 2011 | (900642) |
| Item 28 | April 06, 2011 | (924762) |
| Item 29 | May 09, 2011 | (938001) |
| Item 30 | May 23, 2011 | (843681) |
| Item 31 | June 07, 2011 | (945325) |
| Item 32 | June 24, 2011 | (920562) |
| Item 33 | July 07, 2011 | (952599) |
| Item 34 | July 18, 2011 | (933365) |
| Item 35 | August 12, 2011 | (959280) |
| Item 36 | September 06, 2011 | (965313) |
| Item 37 | October 13, 2011 | (971353) |
| Item 38 | November 10, 2011 | (964269) |
| Item 39 | November 22, 2011 | (977513) |
| Item 40 | January 05, 2012 | (965182) |
| Item 41 | January 10, 2012 | (990581) |
| Item 42 | February 07, 2012 | (997942) |
| Item 43 | May 11, 2012 | (1016424) |
| Item 44 | May 23, 2012 | (1006401) |
| Item 45 | July 09, 2012 | (1031540) |
| Item 46 | August 16, 2012 | (1037916) |
| Item 47 | September 04, 2012 | (1046644) |
| Item 48 | September 11, 2012 | (1019527) |
| Item 49 | October 01, 2012 | (1024045) |
| Item 50 | October 02, 2012 | (1060794) |
| Item 51 | November 05, 2012 | (1030088) |
| Item 52 | November 12, 2012 | (1060795) |
| Item 53 | December 07, 2012 | (1060796) |

| | | |
|---------|--------------------|-----------|
| Item 54 | December 19, 2012 | (1036091) |
| Item 55 | January 07, 2013 | (1035210) |
| Item 56 | January 09, 2013 | (1078917) |
| Item 57 | February 06, 2013 | (1078916) |
| Item 58 | March 07, 2013 | (1089282) |
| Item 59 | April 08, 2013 | (1095676) |
| Item 60 | April 12, 2013 | (1075621) |
| Item 61 | May 07, 2013 | (1106600) |
| Item 62 | June 07, 2013 | (1110277) |
| Item 63 | July 09, 2013 | (1117161) |
| Item 64 | August 08, 2013 | (1124917) |
| Item 65 | August 13, 2013 | (1100738) |
| Item 66 | September 12, 2013 | (1129517) |
| Item 67 | October 03, 2013 | (1135247) |
| Item 68 | November 18, 2013 | (1120785) |
| Item 69 | November 22, 2013 | (1140647) |
| Item 70 | December 17, 2013 | (1147104) |
| Item 71 | January 08, 2014 | (1153174) |
| Item 72 | January 17, 2014 | (1139866) |
| Item 73 | February 05, 2014 | (1160509) |
| Item 74 | March 14, 2014 | (1167154) |
| Item 75 | April 10, 2014 | (1174287) |
| Item 76 | May 15, 2014 | (1180475) |
| Item 77 | May 30, 2014 | (1159088) |
| Item 78 | June 18, 2014 | (1187373) |
| Item 79 | July 11, 2014 | (1198495) |
| Item 80 | August 19, 2014 | (1198496) |
| Item 81 | September 04, 2014 | (1171606) |

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/15/2013 (1116489) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. PRSI failed to provide sufficient
information regarding the emissions event to demonstrate compliance.

- 2 Date: 12/09/2013 (1121654) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. PRSI failed to prevent unauthorized
emissions associated with an avoidable shutdown of the FCCU.

- 3 Date: 12/20/2013 (1123827) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent
emissions from Tank 301 during a transfer to the tank. (Category B13)

- 4 Date: 02/24/2014 (1145848) CN603137605
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 29E PERMIT
ST&C 17 OP

Description: Failure to submit HRVOC stack test report for EPN HTRU004 within 60 days after completion of testing. Category C3

- 5 Date: 02/24/2014 (1117011) CN603137605
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special condition 17E OP
ST & C 17 OP
Description: Failure to submit stack test reports 30 days after conducting the initial compliance tests. C-3
- 6 Date: 04/25/2014 (1152850) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to properly re-set the sour water gas to flare valve which resulted in unauthorized emisisions. (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a Final Record for a reportable emissions event when one was required. (Category B3)
- 7 Date: 04/25/2014 (1120568) CN603137605
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)
5C THSC Chapter 382 382.085(b)
Description: PRSI failed to list 30 TAC 115.729 HRVOC as an applicable requirements for the alkylation heaters C-3
- 8 Date: 04/25/2014 (1152227) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent a leak from an exchanger in the LPG Unit which resulted in
- 9 Date: 08/26/2014 (1171598) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the emissions events reporting requirements. Specifically, PRSI failed to provide the additional information requested by the TCEQ Houston Region Office regarding emissions event Incident No.: 197215 within the timeframe requested.

F. Environmental audits:

Notice of Intent Date: 07/29/2011 (944910)

Disclosure Date: 10/24/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
40 CFR Part 60, Subpart QQQ 60.693-2(a)(2)

Description: Failed to have gaskets on the flip top guage hatches at the top of the guidepoles for Tanks 065, 301, 328, 342, 343, 348, 353, 400, 814, 815, 822, 825, 827, 830, and 831.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)

Description: Failed to have gaskets for the guage float wells for Tanks 810 and 813, and the gasket on the guidepole

guage hatch on Tank 811 was no long sealing properly and needs repair. In addition, the guidepole wiper on Tank 830 was saturated with oil, probably indicating a bad gasket.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(B)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(i)

40 CFR Part 60, Subpart QQQ 60.693-2(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)(3)

Description: Failed to have the vacuum breaker closed on Tanks 400, 812, 818, 822, 825, and 830 even though the tank roofs are not landed or floating off.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(G)

Description: Failed to equip the guidepoles with emission control devices for Tanks 810, 815, and 825.

Notice of Intent Date: 10/17/2012 (1041087)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PASADENA REFINING SYSTEM,
INC
RN100716661**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1376-AIR-E

I. JURISDICTION AND STIPULATIONS.

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pasadena Refining System, Inc ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery plant located at 111 Red Bluff Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about September 17, 2014 and October 14, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Six Hundred Eighty-Eight Dollars (\$19,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Seven

Hundred Fifty-One Dollars (\$15,751) of the administrative penalty and Three Thousand Nine Hundred Thirty-Seven Dollars (\$3,937) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On May 26, 2014, changed the normal operating range for the catalyst level to buffer pressure swings to prevent a recurrence of emissions events due to the same causes as Incident No. 198625; and
 - b. On July 9, 2014, removed the suction screen on each pump to prevent a recurrence of emissions events due to the same cause as Incident No. 199950.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 20246, Special Conditions ("SC") No. 1, TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. 01544, Special Terms and Conditions ("STC") No. 17, as documented during an investigation conducted on July 30, 2014. Specifically, the Respondent released 4,555.20 pounds ("lbs") of particulate matter ("PM") from the Carbon Monoxide Boiler, Emissions Point Number ("EPN") HTBLR010, during an emissions event (Incident No. 198625) that began on May 20, 2014 and lasted 20 minutes. The emissions event occurred due to a boiler trip which caused instability within the Fluid Catalytic Cracking Unit ("FCCU") Regenerator. The cause of the boiler trip was incorrect transmitter settings. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR No. 56389, SC No. 1, Tex. Health & Safety Code § 382.085(b), and FOP No. 01544, STC No. 17, as documented during an investigation conducted on July 30, 2014. Specifically, the Respondent released 18,560.00 lbs of PM from the FCCU Seal Pot, EPN VTFCC003 during an emissions event (Incident No. 199950) that began on June 18, 2014 and lasted 4 hours. The emissions event occurred due to buildup on the intake screen from the operating charge pump that caused low mid-riser temperature, which tripped the unit. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pasadena Refining System, Inc, Docket No. 2014-1376-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/25/15

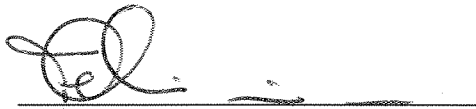
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

12/03/2014

Date

FERNANDO FEITOSA DE OLIVEIRA

Name (Printed or typed)
Authorized Representative of
Pasadena Refining System, Inc

CEO

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.